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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Human Rights Council must call on Ukraine to protect the right to life, and to ensure that all human rights abuses are promptly, effectively and independently investigated

Amnesty International has been monitoring events in Ukraine and has documented cases of excessive use of force by law enforcement officers, abductions and ill-treatment of captives both by armed groups resisting the interim Kyiv authorities and by groups loyal to them, and inadequate policing leading to violations of the right to life.

Excessive use of force and firearms

As of 20 May, 2014 at least 30 people had died since the launching of security operations in eastern Ukraine on 15 April to regain control of cities in the Donetsk region from armed groups opposing the interim authorities in Kyiv. In some cases Ukrainian law enforcement officers have been using abusive force against members of the public in violation of international standards. Two members of the public, Yuriy Mykolenko and Vadim Khudich, reportedly died when Ukrainian law enforcement officers opened fire on a crowd that had gathered to vote in the "referendum" in Krasnoarmeisk on 11 May. Video material available on the internet shows a Ukrainian law enforcement officer identifying himself as a member of the police special forces "Dnepr" and attempting to persuade the crowd to disperse. Subsequent footage shows six men in khaki armed with Kalashnikovs attempting to disperse the crowd by firing over their heads. Then one officer aims at the crowd and shoots one demonstrator in the leg.[1] The Ministry of Internal Affairs has started a murder investigation into the killing of the two men, but denies that the police special forces "Dnepr" had been at the scene.

Unlawful deprivation of freedom and ill-treatment of captives

More than 20 people have been abducted in Slovyansk by armed groups resisting the Kyiv authorities since 13 April. They include foreign journalists and a group of eight military observers from the Organization for Security and Co-operation in Europe (OSCE). The foreign journalists, OSCE military observers and some others have been released, but at least three people still remain in captivity. Pavlo Yurov, a theatre producer, his colleague Denis Grishchuk, and Igor Oprya, a student from Kyiv. Those who have been released report they were held in the basement of the State Security Service headquarters in Slovyansk, forced to sleep on a cement floor and beaten during interrogations.

On 7 May 2014 the website of Oleg Lyashko, a member of the Ukrainian parliament and presidential candidate, published a report and video footage of the interrogation and ill-treatment of two men inside a car, reportedly at an airfield near Mariupol. The two captives, who are initially blindfolded, are seen with their hands tied behind their backs being interrogated by Oleg Lyashko, who also appears to be in charge of a group of armed men. One of the captives introduces himself as Igor Khakmizyanov, former minister of defence of the self-styled People's Republic of Donetsk. He is almost totally naked, with two distinct bleeding cuts on his body. At least eight men can be seen outside the car, wearing unidentifiable black uniforms. Four of them are wearing facemasks and holding Kalashnikov assault rifles. At the end of the footage Igor Khakmizyanov is blindfolded again, and he and the other captive are transferred to a helicopter and taken to an unknown destination.[2]

Inadequate policing

As civil unrest becomes more violent in Ukraine, it is vital that there should be effective policing to protect the right to life, liberty and security of the person. The shocking events of 2 May 2014 in Odesa, which left at least 46 people dead and 200 injured following violent clashes between supporters of the interim authorities in Kyiv and protesters opposing the Kyiv authorities, highlight the failure of policing in Ukraine. Violent clashes broke out in the city centre at about 3pm as football fans were gathering for a match between rival teams Kharkiv Metalist and Odesa Chornomorets. Following the shooting of a government supporter, the pro-Kyiv crowd charged a camp of anti-Kyiv protesters that had been located outside the trade union building for several months. Anti-Kyiv protesters and people who had been involved in the clashes sought cover in the trade union building when pro-Kyiv crowds attacked them. The building subsequently caught fire, trapping many people in the flames. Many died from burns, smoke inhalation, as a result of

[1] See footage from the municipal website of Krasnoarmeisk: http://www.06239.com.ua/news/532270.

[2] See Urgent Action:114/14 AI Index: EUR 50/020/2014, 8 May 2014. http://www.amnesty.org/en/library/asset/EUR50/020/2014/en/3f7da87b-1ba8-4375-a52a-eca3e47a5c8e/eur500202014en.p.

jumping from the building, and from gunshot wounds. According to some media reports, police failed to take action to prevent or contain the violence, and there is video footage of police standing by while violence is taking place, including guns being fired, stone-throwing, and beatings by people on both sides. On 4 May, Acting Prime Minister Arseniy Yatseniuk blamed police officers for the failure to prevent casualties and dismissed the Odesa police chief and deputy chief. Arseniy Yatseniuk also announced that a special investigative group had been set up in the General Prosecutor's Office to investigate the events.

Impunity

On 5 May, the acting Head of the Presidential Administration expressed his gratitude to law enforcement officers, including former members of the now disbanded Berkut riot police force, praising their heroism and bravery during recent "anti-terrorist" operations in the eastern part of the country. He stated that in view of the difficult situation that Berkut riot police officers had been placed in under the previous regime, only those officers found to be responsible for the killing and torture of protestors would be prosecuted. Amnesty International has documented many cases of excessive use of force by riot police officers during the EuroMaydan protests in Kyiv. If the Kyiv authorities choose to ignore such human rights violations by riot police officers, they are encouraging a climate of impunity that will lead to further abuses.

Amnesty International urges the UN Human Rights Council, its member states and observers to call for:

- prompt, effective, and independent investigations into allegations of human rights violations, in particular arbitrary and abusive use of force, including killings, committed by Ukrainian law enforcement officials, or any other individuals cooperating with them, in the context of the so called "anti-terrorist operation" in the east and south east of the country;
- the immediate release of all captives held by armed groups resisting the Kyiv authorities in Slovyansk;
- the immediate release of anybody held by any groups or individuals who are not competent officials or persons authorized to exercise powers of detention;
- a prompt, effective and independent investigation into the circumstances of the deaths in Odesa preferably with the participation of independent national or international experts or both;
- other states to suspend transfers to Ukraine of munitions, weapons, and related equipment, including crowd control weapons and devices, training and techniques that pose a substantial risk of being misused to commit serious violations or abuses of human rights until effective steps have been taken by the Ukrainian authorities to achieve accountability for previous violations and until effective mechanisms are in place to ensure that these items will not be used to commit or facilitate such violations or abuses. The suspension of transfers should also include all indirect exports via other countries, the transfer of components and technologies used for such equipment, and any brokering, financial or logistical activities that would facilitate such transfers.

Amnesty International calls on the interim Ukrainian authorities to:

- ensure that Ukrainian law enforcement and military officials engaged in operations to restore security in eastern Ukraine adhere to international law and standards on the use of force and firearms, and in particular resort to the use of firearms only in defence against an imminent threat of death or serious injury. They should apply other non-violent means before resorting to the use of force, and the use of firearms must always be the last resort. When the use of force and firearms is unavoidable they must exercise restraint and take steps to minimize damage and injury and preserve life.

And reiterates its calls on the interim Ukrainian authorities to:

- ensure that all allegations of torture and other ill-treatment and excessive use of force by law enforcement officers, including killings, all alleged abuses by any vigilante groups who have allegedly colluded with them, and abuses by others, are promptly, effectively and independently investigated and that those reasonably suspected of such crimes are prosecuted in proceedings which fully comply with international standards for fair trial;
- urgently establish a genuinely independent institution that effectively and promptly investigates all allegations of torture and other ill-treatment by law enforcement officers.